

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	No. 04-6019-01-CR-DW
)	
MARK B. DAVIDSON,)	
)	
Defendant.)	

ORDER

Before the Court is Magistrate Judge John Maughmer's Report and Recommendation to deny Defendant's Motion to Dismiss. (Doc. No. 22.) Defendant opposes the Report and Recommendation. After an independent review of the record, the applicable law and the parties' arguments, the Court adopts the Magistrate's findings of fact and conclusions of law. Accordingly, the Court orders that the Magistrate's Report and Recommendation be attached to and made a part of this Order, and denies Defendant's Motion to Dismiss.¹

IT IS SO ORDERED.

/s/ DEAN WHIPPLE

Dean Whipple
United States District Judge

Date: June 27, 2005

¹The defendant cites Hayes v. Faulkner Cty, Ark., 388 F.3d 669 (8th Cir. 2004) in support of his motion. That case is distinguishable from the instant case in that Defendant was already in state custody when the writ of habeas corpus ad prosequendum was executed.

It is also worth noting that no evidence (by way of confession or other statements) was obtained from the defendant while he awaited the initial appearance.